

**DEPARTMENT  
POLICY****FIP, SDA and MA Only**

If a group member and his/her spouse do **not** live together, a referral to the local county prosecutor may be necessary to establish the absent spouse's responsibility for financial support. If the absent spouse is also the parent of a group member under age 18, refer him/her to child support; see BEM 255.

**FIP Only**

Unmarried children under age 18 who act as adult case members **or** grantees may need to be referred to the county prosecutor for possible support action against their parents.

**COUNTY  
PROSECUTOR  
REFERRALS****FIP, SDA and MA Only**

Refer appropriate cases to the county prosecutor under locally established procedures when he has indicated he will take action under the Poor Law or Status of Minors Act.

Use the DHS-1171-ABS, Absent Spouse/Parent Referral Notice, to refer appropriate cases. Make the referral within 14 days of opening a case **or** whenever a referral is required.

Make a referral:

- When an eligible group member and spouse do **not** live together **and** the absent spouse is **not** the parent of a group member under age 18.
- For **FIP only**, when a minor parent resides away from a parent **and** is the grantee.

Do **not** make a referral when the absent spouse/parent:

- Is complying with a current probate court order for support.
- Is the parent of a group member under age 18 who has been referred for support action (see BEM 255).
- Currently receives FIP, RAP, SDA, MA or SSI.

- Is required to support the recipient spouse via a circuit court order.
- Effective April 1, 2008 for **MA applicants only**, the known value of the absent spouse's assets, excluding his home, household goods, personal goods and one vehicle, is \$104,400 or less **and** his gross annual income is \$31,320 or less.
- Effective April 1, 2008 for **MA applicants only**, when a community spouse has more than \$2,610 per month income (\$31,320 per year) and/or \$104,400 in assets due to a court order or a hearing decision under the spousal impoverishment provisions of section 1924 of the Social Security Act.
- Effective April 1, 2008 for **MA recipients only**, the absent spouse's gross annual income is \$31,320 or less.

Take the following actions when a referral has been made:

- Assume court action is inadvisable and stop the process if there is no reply from the prosecutor's office after 30 days.
- Obtain any additional information about the absent spouse if requested.
- Initiate a Poor Person's petition in the county probate court if court action is recommended by the prosecutor's office.
- Budget any resulting court ordered spouse or child support received by the group as unearned income.

## REFUSING INFORMATION

### FIP, SDA and MA Only

The spouse/minor in the group is ineligible if he/she refuses to provide information about an absent spouse/parent **or** cooperate with the prosecutor.

**VERIFICATION  
REQUIREMENTS****FIP, SDA and MA Only**

The DHS-1171-ABS, may be used to gather information about an absent spouse when required under the local procedure with the prosecutor's office.

**LEGAL BASE****FIP**

P.L. 104-193 of 1996  
P.A. 280 of 1939, as amended  
MCL 400.1 - .9  
MCL 722.3

**SDA**

Annual Appropriations Act  
Michigan Administrative Code; R 400.3151 – 400.3180

**MA**

42 CFR 433.147  
42 CFR 435.821-.822  
MCL 400.106  
MCL 401.1-.9

**JOINT POLICY  
DEVELOPMENT**

*Medicaid, Transitional Medical Assistance (TMA), and Maternity Outpatient Medical Services (MOMS) policy has been developed jointly by the Department of Community Health (DCH) and the Department of Human Services (DHS).*